

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Education (SE) Department – Allegation of corruption, demand and acceptance of bribe by Sri Penumaka Venkata Udaya Prabhakar, formerly Mandal Educational Officer, Office of Mandal Parishad Development Officer, Penamaluru Mandal, Krishna District – Trapped on 22.09.2008 – Sanction for Prosecution - Accorded – Orders – Issued.

EDUCATION [SE-Vig.I(1)] DEPARTMENT

G.O.Ms. No. 51.

Dated: 01.05.2009.

ORDER :

1. WHEREAS, Sri Penumaka Venkata Udaya Prabhakar, S/o Sanjeeva Rao, worked as Mandal Educational Officer, Office of Mandal Parishad Development Officer, Penamaluru Mandal, Krishna District, from 8-10-2005 to 22-09-2008 and as such he is a public servant as defined under section 2 (c) of the Prevention of Corruption Act, 1988. (Act No.49 of 1988).
2. AND WHEREAS, Sri Chinthalapati Narasimha Murthy, S/o V.S.S. Rameswara Sharma, is working as Grade-II Telugu Pandit in M.P.U.P. School, Chodavaram Village, Krishna District.
3. AND WHEREAS, it is alleged that on 12-9-2008 Sri Chinthalapati Narasimha Murthy approached Sri Penumaka Venkata Udaya Prabhakar, formerly Mandal Education Officer, office of Mandal Parishad Development Officer, Penamaluru Mandal, Krishna District and submitted application for medical reimbursement bill for 120 days and above. Then Sri Penumaka Venkata Udaya Prabhakar demanded him to pay the Rs.5,000/- as bribe to send proposals to the office of District Education Officer, Krishna and to submit the bills to S.T.O., for encashment. Sri Ch.Narasimha Murthy expressed his inability to pay the said bribe amount and went away. On 15-09-2008 Sri Ch.Narasimha Murthy met Sri Penumaka Venkata Udaya Prabhakar and requested him to process his bills. Sri Penumaka Venkata Udaya Prabhakar reiterated his earlier demand. On 20-9-2008 Sri Ch.Narasimha Murthy again met Sri Penumaka Venkata Udaya Prabhakar in the office of Mandal Parishad Development Officer, Vijayawada Rural, where he was attending the meeting and requested him to process his medical bills. Sri P.V.Udaya Prabhakar reiterated his earlier demand and further informed Sri Ch. Narasimha Murthy that if he did not pay the bribe amount, his bills would not be sent to the higher authorities. When Sri Ch.Narasimha Murthy further expressed his inability to pay the bribe amount of Rs.5,000/-, Sri Penumaka Venkata Udaya Prabhakar reduced the bribe amount to Rs. 3,000/- and asked him to pay Rs.1,500/- before sending the bills and to pay the bribe amount of Rs.1,500/- after encashment of the bills. Sri Ch.Narasimha Murthy reluctantly agreed to pay the bribe amount to Sri Penumaka Venkata Udaya Prabhakar. Sri Penumaka Venkata Udaya Prabhakar informed Sri Ch.Narasimha Murthy that he would inform the place over phone where he had to pay bribe or when he had to contact him after arranging the bribe.
4. AND WHEREAS, Sri Ch.Narasimha Murthy was not willing to pay bribe amount to Sri Penumaka Venkata Udaya Prabhakar, approached the ACB officials and gave a report. The D.S.P., A.C.B., Vijayawada registered a case on 22.9.2008 in Cr.No.16/RCT-ACB-VJA/2008 U/s 7 of the Prevention of Corruption Act, 1988 after obtaining permission from the higher officials and took up investigation.
5. AND WHEREAS, on 22-9-2008, the Deputy Superintendent of Police, District Inspector, Krishna, other Inspectors along with trap party consisting of the Mediators, staff of A.C.B., Vijayawada Range, Sri Ch.Narasimha Murthy left the office at 03.30 pm and reached the vicinity of the M.P.D.O.office at 4.00 pm. Sri Ch.Narasimha Murthy was found entering into the office premises of Sri Penumaka Venkata Udaya Prabhakar at 04.10 pm and waited there. Sri Ch.Narasimha Murthy met Sri Penumaka Venkata Udaya Prabhakar at 4.30 PM, when he was entering into the premises of the M.P.D.O.

office, Sri P.V.Udaya Prabhakar reiterated his earlier demand and asked him whether he brought the bribe amount or not. At that Sri Ch.Narasimha Murthy took out a wad of currency notes from his left side upper shirt pocket and handed over to Sri Penumaka Venkata Udaya Prabhakar, who accepted the same with his right hand and kept in his left upper shirt pocket and promised him to do his work as early as possible. Then Sri Ch.Narasimha Murthy gave pre-arranged signal at about 4.35 PM. The raid party immediately rushed there and trapped Sri Penumaka Venkata Udaya Prabhakar. As per the instructions of the D.S.P., the phenolphthalein test was conducted on both the hand fingers of Sri Penumaka Venkata Udaya Prabhakar. The right hand fingers proved positive. When the D.S.P., asked Sri Penumaka Venkata Udaya Prabhakar whether he received the tainted amount from Sri Ch.Narasimha Murthy or not, Sri P.V.Udaya Prabhakar took out a wad of currency notes, which were kept in his left upper shirt pocket and produced the same to the D.S.P. As per the instructions of the D.S.P., one of the mediators took the tainted amount and compared the serial numbers of the currency notes with those of the serial numbers, which proved tallied. The D.S.P., got Sodium Carbonate solution test conducted on the inner linings of the left side upper shirt pocket of Sri P.V.Udaya Prabhakar, which proved positive. The D.S.P., seized the tainted amount of Rs.1,500/-, connected papers, resultant solution and other connected material, etc.

6. AND WHEREAS, the above said acts of Sri Penumaka Venkata Udaya Prabhakar, formerly Mandal Educational Officer, office of Mandal Parishad Development Officer, Penamaluru Mandal, Krishna District, constitute offences punishable under sections 7 and 13 (2) read with section 13 (1) (d) of the Prevention of Corruption Act, 1988.

7. AND WHEREAS, the Government of Andhra Pradesh being the competent authority to remove Sri Penumaka Venkata Udaya Prabhakar, formerly Mandal Educational Officer, Office of Mandal Parishad Development Officer, Penamaluru Mandal, Krishna District, from Government service, after fully and carefully examining the material placed before them in respect of the aforesaid acts and the circumstances of the case, consider that the said Sri Penumaka Venkata Udaya Prabhakar, formerly Mandal Educational Officer, Office of Mandal Parishad Development Officer, Penamaluru Mandal, Krishna District, should be prosecuted in a court of law.

8. NOW THEREFORE, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 19 of the Prevention of Corruption Act, 1988, the Government hereby accord sanction for prosecution of the above said Sri Penumaka Venkata Udaya Prabhakar, formerly Mandal Educational Officer, Office of Mandal Parishad Development Officer, Penamaluru Mandal, Krishna District, for the offences punishable under sections 7 and 13 (2) read with section 13 (1) (d) of the Prevention of Corruption Act, 1988 and for any other cognate offence punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(K.R. KISHORE)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General, Anti Corruption Bureau, Hyderabad.

//FORWARDED BY ORDER//

SECTION OFFICER